

## **IC 23-14-33**

### **Chapter 33. Application and Definitions of Cemetery Law**

## **IC 23-14-33-1**

### **Citation of chapters**

23-14-33-1 Sec. 1. This chapter through IC 23-14-76 may be referred to as the Indiana general cemetery law.

*As added by P.L.52-1997, SEC.7.*

## **IC 23-14-33-2**

### **Application of provisions**

23-14-33-2 Sec. 2. The provisions of this chapter through IC 23-14-76 apply to all:

- (1) cemeteries;
- (2) community or public mausoleums;
- (3) community or public garden crypts; and
- (4) columbaria;

located within Indiana, except as otherwise provided in this chapter through IC 23-14-76.

*As added by P.L.52-1997, SEC.7.*

## **IC 23-14-33-3**

### **Rules of cemetery owner**

23-14-33-3 Sec. 3. (a) Notwithstanding any provision of IC 23-14-33 through IC 23-14-76 to the contrary, but subject to subsection (b):

- (1) a cemetery that is owned by:
  - (A) a church or other religious organization; or
  - (B) a fraternal beneficiary society; and
- (2) all burial rights held in the cemetery;

are subject in all things to the rules and regulations of the owner of the cemetery that are enacted by the governing head or body of the cemetery.

(b) A cemetery described in subsection (a) is subject to all the provisions of this chapter through IC 23-14-76 that do not conflict with the rules or regulations of the cemetery owner.

*As added by P.L.52-1997, SEC.7.*

## **IC 23-14-33-4**

### **Application of definitions**

23-14-33-4 Sec. 4. The definitions set forth in this chapter apply to this chapter through IC 23-14-76.

*As added by P.L.52-1997, SEC.7.*

## **IC 23-14-33-5**

### **"Burial"**

23-14-33-5 Sec. 5. "Burial" means the opening and closing of a grave, grave space, burial space, crypt, or niche for purposes of:

- (1) interment;
- (2) entombment; or

(3) inurnment.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-6**

##### **"Burial right"**

23-14-33-6 Sec. 6. "Burial right" means a right of interment, entombment, or inurnment granted by the owner of a cemetery and unless otherwise stated in the deed, certificate, or license given by the owner of the cemetery, is an easement for the specific purpose of burial.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-7**

##### **"Cemetery"**

23-14-33-7 Sec. 7. "Cemetery" means any land or structure in Indiana that is:

(1) dedicated to; and

(2) used for, or intended to be used for;

the interment, entombment, or inurnment of human remains.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-8**

##### **"Cemetery owner" or "owner of a cemetery"**

23-14-33-8 Sec. 8. "Cemetery owner" or "owner of a cemetery" means the person that:

(1) owns; or

(2) operates and conducts the business of;

a cemetery.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-9**

##### **"Cemetery purposes"**

23-14-33-9 Sec. 9. "Cemetery purposes" means all things necessary for or incident or convenient to the establishment, maintenance, management, operation, improvement, and conduct of a cemetery, the preparation of cemetery property for interment, entombment, or inurnment and the interment, entombment, or inurnment of the human dead, and the care, preservation, and embellishment of cemetery property.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-10**

##### **"Columbarium"**

23-14-33-10 Sec. 10. "Columbarium" means a structure or room or space in a building or structure used or intended to be used for the inurnment of cremated human remains.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-11**

##### **"Community columbarium"**

23-14-33-11 Sec. 11. "Community columbarium" means a columbarium in which inurnment rights are or have been offered for sale to the general public.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-12**

##### **"Community garden crypt"**

23-14-33-12 Sec. 12. "Community garden crypt" means a garden crypt in which entombment or inurnment rights are or have been offered for sale to the general public.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-13**

##### **"Community mausoleum"**

23-14-33-13 Sec. 13. "Community mausoleum" means a mausoleum in which entombment or inurnment rights are or have been offered for sale to the general public.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-14**

##### **"Cremation"**

23-14-33-14 Sec. 14. "Cremation" means:

(1) the incineration of:

(A) the body of a deceased individual; or

(B) a body part of a nondeceased individual; and

(2) the mechanical or manual reduction of identifiable bone fragments to unidentifiable bone fragments.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-15**

##### **"Crematory"**

23-14-33-15 Sec. 15. "Crematory" means a building or structure, including a holding facility, within which the remains of deceased individuals:

(1) are; or

(2) are intended to be;

cremated.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-16**

##### **"Crypt"**

23-14-33-16 Sec. 16. "Crypt" means a chamber in a mausoleum or garden crypt that is of sufficient size to entomb the uncremated remains of a deceased individual.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-17**

##### **"Disinterment"**

23-14-33-17 Sec. 17. "Disinterment" means the recovery of human remains by exhumation, disentombment, or disinurnment. The

term does not include:

- (1) the raising and lowering of human remains to accommodate two (2) interments within a single grave: or
- (2) the repositioning of human remains or the repositioning of an outside burial container or vault that encroaches on an adjoining grave, grave space, or burial space.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-18**

##### **"Entombment"**

23-14-33-18 Sec. 18. "Entombment" means any lawful disposition of the remains of a deceased individual in a mausoleum or garden crypt as provided by IC 23-14-54.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-19**

##### **"Financial institution"**

23-14-33-19 Sec. 19. "Financial institution" means a state or national:

- (1) bank;
- (2) bank and trust company;
- (3) trust company;
- (4) savings bank; or
- (5) savings association;

that maintains a principal place of business in Indiana and is qualified to serve as a trustee.

*As added by P.L.52-1997, SEC.7. Amended by P.L.79-1998, SEC.25.*

#### **IC 23-14-33-20**

##### **"Garden crypt"**

23-14-33-20 Sec. 20. (a) "Garden crypt" means a structure or building that is:

- (1) used; or
- (2) intended to be used;

for the entombment or inurnment of human remains in crypts, vaults, or niches, in which entombment or inurnment is done from the exterior of the structure or building.

(b) The term includes a columbarium within a garden crypt.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-21**

##### **"Human remains" or "remains"**

23-14-33-21 Sec. 21. (a) "Human remains" or "remains" means the body of a deceased individual.

(b) The term includes:

- (1) the body in any stage of decomposition; and
- (2) cremated remains.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-22**

**"Interment"**

23-14-33-22 Sec. 22. "Interment" means any lawful disposition in the earth of the remains of a deceased individual as provided by IC 23-14-54.

*As added by P.L.52-1997, SEC.7.*

**IC 23-14-33-23**

**"Inurnment"**

23-14-33-23 Sec. 23. "Inurnment" means any lawful disposition of the cremated remains of a deceased individual in a mausoleum, garden crypt, niche, or scattering garden area as provided by IC 23-14-54.

*As added by P.L.52-1997, SEC.7.*

**IC 23-14-33-24**

**"Lawn crypt"**

23-14-33-24 Sec. 24. "Lawn crypt" means a vault that is:

- (1) preset into the earth; and
- (2) sold as a part of the sale of the lot, plot, burial space, or grave.

*As added by P.L.52-1997, SEC.7.*

**IC 23-14-33-25**

**"Lot", "plot", "burial space", or "section"**

23-14-33-25 Sec. 25. (a) "Lot", "plot", "burial space", or "section" means any space within a cemetery that is:

- (1) used; or
- (2) intended to be used;

for interment, entombment, or inurnment, irrespective of where the space is located.

(b) The term includes a crypt, a niche, and a grave space.

*As added by P.L.52-1997, SEC.7.*

**IC 23-14-33-26**

**"Lot owner", "lot holder", "plot owner", "plot holder", "burial right owner", "burial right holder", "burial space owner", or "burial space holder"**

23-14-33-26 Sec. 26. "Lot owner", "lot holder", "plot owner", "plot holder", "burial right owner", "burial right holder", "burial space owner", or "burial space holder" means a person:

- (1) under whose name a burial space is listed; or
- (2) who is identified as the owner or holder of a burial space; in the records of the office of the cemetery owner.

*As added by P.L.52-1997, SEC.7.*

**IC 23-14-33-27**

**"Mausoleum"**

23-14-33-27 Sec. 27. (a) "Mausoleum" means a structure or building that:

- (1) is used; or

(2) is intended to be used;  
for the entombment or inurnment of human remains in crypts, vaults,  
or niches, in which entombment or inurnment is done from the  
interior of the building or structure.

(b) The term includes a columbarium within a mausoleum.  
*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-28**

##### **"Niche"**

23-14-33-28 Sec. 28. "Niche" is a space in a columbarium that is:

(1) used; or  
(2) intended to be used;  
for the inurnment of the cremated remains of one (1) or more  
deceased individuals.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-29**

##### **"Owner"**

23-14-33-29 Sec. 29. (a) "Owner", when used in reference to a:

(1) lot owner;  
(2) lot holder;  
(3) plot owner;  
(4) plot holder;  
(5) burial right owner;  
(6) burial right holder;  
(7) burial space owner; or  
(8) burial space holder;  
includes a holder of a lot, plot, burial right, or burial space.

(b) "Owner", when used in reference to a:

(1) lot owner;  
(2) lot holder;  
(3) plot owner;  
(4) plot holder;  
(5) burial right owner;  
(6) burial right holder;  
(7) burial space owner; or  
(8) burial space holder;  
does not include a cemetery owner or an owner of a cemetery.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-30**

##### **"Perpetual care" or "endowment care"**

23-14-33-30 Sec. 30. (a) "Perpetual care" or "endowment care"  
means, within the limits permitted by the net income received from  
the perpetual care fund or endowment care fund required by  
IC 23-14-48 and from other care funds or endowments, the  
maintenance of the cemetery grounds and graves in keeping with a  
properly maintained cemetery, including the following:

(1) Cutting the grass on cemetery plots at reasonable intervals.  
(2) Raking and cleaning of cemetery plots at reasonable

intervals.

(3) Pruning of shrubs and trees.

(4) Procuring, maintaining, and keeping in workable condition the machinery, tools, and equipment needed for maintenance purposes, and replacing the machinery, tools, and equipment when necessary.

(5) Keeping in repair and preserving the drains, water lines, roads, buildings, fences, and other structures, including cemetery owned statues and embellishments of a general character applicable to the cemetery as a whole or a particular area.

(6) The administration of the cemetery, including:

(A) the payment of insurance premiums;

(B) the payment of pensions; and

(C) maintaining the necessary records of lot ownership or holdership, burial right ownership or holdership, burials, and other necessary information, and making the records available to the public authorities and interested persons.

(b) When used in connection with a mausoleum, garden crypt, columbarium, crematory, or other structure, the term "perpetual care" or "endowment care" means, in addition to the meaning set forth in subsection (a):

(1) the general upkeep of the structure and the ground surrounding the structure;

(2) the repair, replacement, and improvement of the structure;

(3) the procuring, maintaining, and keeping in reasonable condition the machinery, tools, and equipment needed for the purposes set forth in subdivisions (1) through (2); and

(4) replacing the machinery, tools, and equipment when necessary.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-31**

##### **"Person"**

23-14-33-31 Sec. 31. "Person" means an individual, an association, a limited liability company, a corporation, a firm, or another legal entity.

*As added by P.L.52-1997, SEC.7.*

#### **IC 23-14-33-32**

##### **"Religious cemetery"**

23-14-33-32 Sec. 32. "Religious cemetery" means a cemetery that is owned, operated, controlled, or managed by:

(1) any recognized church, religious society, association, or denomination; or

(2) any cemetery authority or corporation:

(A) that administers; or

(B) through which is administered;

the temporalities of any recognized church, religious society, association, or denomination.

*As added by P.L.52-1997, SEC.7.*

**IC 23-14-33-33**

**"Vault"**

23-14-33-33 Sec. 33. (a) "Vault" means:

(1) an outer burial container that is designed for placement in a burial space or grave around a casket or alternative container;

or

(2) the container that forms the chamber of a crypt.

(b) The term includes a burial vault, grave box, or grave liner.

*As added by P.L.52-1997, SEC.7.*